

REAL ESTATE BOARD  
MINUTES OF MEETING

January 27, 2005

The Real Estate Board met at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

R. Schaefer Oglesby, Chairman  
Nathaniel Brown (arrived at 9:50 a.m.)  
Judith L. Childress  
Marjorie Clark  
Carol F. Clarke  
Florence Daniels  
Sharon Parker Johnson  
Miles B. Leon  
Byrl Taylor

DPOR staff present for all or part of the meeting included:

Louise Fontaine Ware, Director  
Karen W. O'Neal, Deputy Director  
Nick W. Christner, Deputy Director  
Christine Martine, Executive Director  
John Cancelleri, Fair Housing Administrator  
Doug Schroeder, Director, Adjudication  
Bonnie Rhea Adams, Director, Complaint Analysis and Resolution  
Liz Hayes, Fair Housing Investigative Supervisor  
Bryan Carver, Fair Housing Investigator  
Deanda Shelton, Fair Housing Investigator  
Bob Whittaker, Program Conciliator  
Amy Chappell, Legal Assistant  
Tamika Jones, Fair Housing Investigator  
Karen Taylor, Fair Housing Specialist  
Victoria Traylor, Legal Assistant  
Trisha L. Henshaw, Administrative Assistant  
Chris Olson, Administrative Assistant

Wayne Halbleib from the Office of the Attorney General was present.

Chairman Oglesby called the meeting to order at 9:22 a.m.

**Call to Order**

No one addressed the Board during the **Public Comment** period.

**Public Comment Period**

A motion was made by Ms. Clarke and seconded by Ms. Johnson to approve the **agenda**. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**Agenda**

A motion was made by Ms. Clarke and seconded by Ms. Clark to adopt the following **minutes**: November 4, 2004, Informal Fact-Finding Conference; November 17, 2004, Informal Fact-Finding Conference; November 18, 2004, Real Estate Board Meeting; November 18, 2004, Informal Fact-Finding Conference (1); November 18, 2004, Informal Fact-Finding Conference (2); November 30, 2004, Informal Fact-Finding Conference; December 2, 2004, Informal Fact-Finding Conference; December 8, 2004, Informal Fact-Finding Conference; December 9, 2004, Informal Fact-Finding Conference; December 16, 2004, Informal Fact-Finding Conference; and January 6, 2005, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**Minutes**

After an introduction by Mr. Cancelleri, the following cases were presented to the Board.

**Fair Housing  
Administrator's Report**

The Board considered the matters of **Cheryl Anderson v. Sharon Kirk, REB File Number 2004-04403** and **Cheryl Anderson v. Shirley Grissom, REB File Number 2004-04404**. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the cases with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**Cheryl Anderson v.  
Sharon Kirk, REB File  
Number 2004-04403 and  
Cheryl Anderson v.  
Shirley Grissom, REB  
File Number 2004-04404**

The Board considered the matter of **Chuck and Leesa Miller v. Jose Penaranda, Jobin Realty, and Rafael Penaranda, REB File Number 2005-00377**. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**Chuck and Leesa Miller  
v. Jose Penaranda, Jobin  
Realty, and Rafael  
Penaranda, REB File  
Number 2005-00377**

The Board considered the matter of **Winfred Allen v. S. L. Nusbaum Realty Company, REB File Number 2005-01078**. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with

**Winfred Allen v. S. L.  
Nusbaum Realty  
Company, REB File**

a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor. Mr. Leon recused himself from voting on the motion in this matter due to his business relationship with the respondent.

Number 2005-01078

The Board considered the matter of **Pedro McAllister and Lena Montoya v. Terri Brennan and Option One Realty, Inc., REB File Number 2005-00372**. A motion was made by Ms. Clark and seconded by Ms. Clarke to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

Pedro McAllister and  
Lena Montoya v. Terri  
Brennan and Option  
One Realty, Inc., REB  
File Number 2005-00372

In the matter of **Mickel R. Greene v. Anglin Realty, Monica Moore, Gibson-Vaughan, LLC, REB File Number 2005-01802**, no Board action was necessary. The aforementioned case was closed due to successful conciliation.

Conciliation Agreements

Mr. Whitaker informed that Board members that due to the confidential nature of conciliation agreements, information pertaining to the terms reached in conciliations would not be disclosed in the Board's agenda materials.

Mr. Cancelleri gave an update on cases currently being investigated, as well as an update on cases currently with the Office of the Attorney General.

Update on Fair Housing  
Investigations

Additionally, based on a recommendation made by Mr. Cancelleri in consultation with the Office of the Attorney General, a motion was made by Ms. Johnson and seconded by Ms. Clarke to have the Real Estate Board ratify all conciliation agreements that arise out of Fair Housing matters. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Clarke to approve the **Fair Housing minutes of November 18, 2004**. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

Fair Housing Minutes

Mr. Oglesby transferred the position of Chair to Ms. Daniels and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2002-03669, Samuel Scoggin**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Samuel Scoggin, the respondent, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.9 of the Board's 1999 regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, and Leon.

**File Number 2002-03669, Samuel Scoggin**

A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1000 for the violation of 18 VAC 135-20-260.9. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, and Leon.

As the presiding Board members at the Informal Fact-Finding Conference, Mr. Oglesby and Ms. Taylor did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2003-03551, Theresa Nock**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mike LeBan, attorney for the respondent, and Ms. Nock, the respondent, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference which finds no violation of the regulations or statutes. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, and Leon.

**File Number 2003-03551, Theresa Nock**

As the presiding Board members at the Informal Fact-Finding Conference, Mr. Oglesby and Ms. Taylor did not participate in the discussion or votes related to this matter.

Mr. Brown arrived at the meeting at 9:50 a.m.

**Arrival of Mr. Brown**

In the matter of **File Number 2003-03552, Nancy Hawthorne**, the Board reviewed the record which consisted of the disciplinary file,

**File Number 2003-03552, Nancy**

transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Lem Marshall, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference which finds no violation of the regulations or statutes. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, and Leon.

Hawthorne

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussions or votes related to this matter.

Mr. Oglesby returned to the meeting and resumed as Chair of the Board.

Transfer of Chair

In the matter of **File Number 2005-00386, Dianne Flourney**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Lem Marshall, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Flourney's application for a broker's license.

File Number 2005-00386, Dianne Flourney

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-01161, Robert Daniel**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Robert Daniel, the respondent, was present and addressed the Board. A motion was made by Mr. Leon and seconded by Ms. Clark to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Daniel's application for an upgrade to associate broker, however, Mr. Daniel must be actively engaged until July 2005, at which time he will have been actively engaged for 36 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-01161, Robert Daniel

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-00968, Imran Khaliq**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Khaliq, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Khaliq's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-00968, Imran Khaliq**

In the matter of **File Number 2005-01160, Michael Hodgson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Hodgson, the applicant, and Debbie McKeen, his wife and a participant in the Informal Fact-Finding Conference, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Hodgson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-01160, Michael Hodgson**

In the matter of **File Number 2005-01418, Daniel Devlin**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Devlin, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Devlin's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels,

**File Number 2005-01418, Daniel Devlin**

Johnson, Leon, Oglesby, and Taylor.

In the matter of **File Number 2005-01446, Robert Johnston**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Johnston, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Johnston's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-01446, Robert Johnston**

In the matter of **File Number 2005-01659, Robert King**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. King, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. King's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-01659, Robert King**

In the matter of **File Number 2005-01916, Julia Papalaskaris**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Papalaskaris, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Papalaskaris' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-01916, Julia Papalaskaris**

In the matter of **File Number 2005-01971, Julia Tyree**, the Board reviewed the record which consisted of the application file, transcript

**File Number 2005-01971, Julia Tyree**

and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Tyree, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Tyree's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

In the matter of **File Number 2005-02082, Kirkland Harper**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Harper, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Harper's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-02082, Kirkland Harper**

Ms. Daniels recused herself from the meeting and transferred the Chair to Ms. Johnson.

**Transfer of Chair**

In the matter of **File Number 2004-04651, Frank Llosa**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Brincefield, attorney for the respondent, and Mr. Llosa, respondent, were present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 of the Board's 2003 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Leon, and Taylor.

**File Number 2004-04651, Frank Llosa**

A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation for Count 2. The motion passed unanimously. Members voting "Yes" were Brown,



Childress, Clark, Clarke, Johnson, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no sanction for the violation of 18 VAC 135-20-300.9 contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter. Additionally, due to her relationship with the complainant, Ms. Daniels did not participate in the discussion or votes related to this matter.

Ms. Daniels returned to the meeting and resumed as Chair of the Board.

**Transfer of Chair**

In the matter of **File Number 2004-00552, Richard Greene**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Leon and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of § 54.1-2132.A.4 of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, and Leon.

**File Number 2004-00552, Richard Greene**

A motion was made by Ms. Johnson and seconded by Mr. Brown to reject the sanction recommended in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$500 for violation of § 54.1-2132.A.4 of the Code of Virginia due to the serious nature of the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, and Leon.

As the presiding Board members at the Informal Fact-Finding Conference, Mr. Oglesby and Ms. Taylor did not participate in the discussions or votes related to this matter.

Ms. Adams provided sanction guidelines to the Board members for Consent Orders, Informal Fact-Finding Conference summaries, and Final Orders for violations of the Board's regulations and/or statutes.

**Discussion of Sanction Guidelines**

Ms. Adams indicated that the chart was developed in order to provide information regarding past actions taken by the Board involving similar violations.

Mr. Christner addressed the Board regarding the use of Consent Orders to resolve disciplinary matters.

In the matter of **File Number 2004-02743, John K. Hadjikakos**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. A motion was made by Ms. Johnson and seconded by Ms. Clark to amend the violations contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 of the Board's 2003 Regulations (Count 1), and correct Count 2 of the Summary of the Informal Fact-Finding Conference to reference the Board's regulations effective April 1, 2003, instead of the Code of Virginia, and close Count 2 with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, and Leon.

**File Number 2004-02743, John K. Hadjikakos**

After Ms. Traylor stated there were prior violations involving Mr. Hadjikakos, a motion was made by Mr. Leon and seconded by Ms. Childress to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500 for the violation of 18 VAC 135-20-300.9 of the Board's 2003 Regulations due to the serious nature of the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, and Leon.

As the presiding Board members at the Informal Fact-Finding Conference, Mr. Oglesby and Ms. Taylor did not participate in the discussions or votes related to this matter

In the matter of **File Number 2004-02900, Mary Harris**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Ms. Harris and the record of the Informal Fact-Finding Conference. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the Consent Order wherein Ms. Harris admits to a violation of 18 VAC 135-20-300.9 of the Board's 2003 Regulations (Count 6) and agrees to a monetary penalty of \$400 for the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, and Leon.

**File Number 2004-02900, Mary Harris**

As the presiding Board members at the Informal Fact-Finding Conference, Mr. Oglesby and Ms. Taylor did not participate in the discussion or vote related to this matter

The matter identified as **File Number 2005-01711, Wanda Mr. Criner (Claimant) and Larry J. Miller (Regulant)**, was deferred per a request by the attorney for the claimant.

**File Number 2005-01711, Wanda Mr. Criner (Claimant) and Larry J. Miller (Regulant)**

In the matter of **File Number 2004-01225, Sally McDevitt**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Ms. McDevitt. A motion was made by Mr. Leon and seconded by Ms. Johnson to accept the Consent Order wherein Ms. McDevitt admits to a violation of 18 VAC 135-20-290.2 of the Board's 2003 Regulations (Count 1) and agrees to a monetary penalty of \$150 for the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

**File Number 2004-01225, Sally McDevitt**

As the reviewing Board member, Mr. Oglesby was not present during the discussion or vote.

In the matter of **File Number 2004-01226, Rachel Cheatle**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Ms. Cheatle. A motion was made by Ms. Johnson and seconded by Mr. Brown to accept the Consent Order wherein Ms. Cheatle admits to a violation of 18 VAC 135-20-290.2 of the Board's 2003 Regulations (Count 1) and agrees to a monetary penalty of \$150 for the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

**File Number 2004-01226, Rachel Cheatle**

As the reviewing Board member, Mr. Oglesby was not present during the discussion or vote.

In the matter of **File Number 2004-03867, William Dudley**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Dudley. A motion was made by Ms. Clark and seconded by Mr. Leon to accept the Consent Order wherein Mr. Dudley admits to a violation of the following statutes: § 54.1-2131.A.4 (Count 1); § 54.1-2131.A.4 (Count 2); no violation for

**File Number 2004-03867, William Dudley**

Count 3; and § 54.1-2131.A.4 (Count 4). Further, Mr. Dudley agrees to the following monetary penalties: \$300 for Count 1; \$200 for Count 2; and \$100 for Count 4, for total monetary penalties of \$600. Mr. Dudley also agrees to pay \$300 in investigative costs for violations of Counts 1, 2, and 4 for a total amount due of \$900. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, and Leon.

As the reviewing Board members, Mr. Oglesby and Ms. Taylor were not present during the discussion or vote.

In the matter of **File Number 2004-02143, Tanisha Carter**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Clark to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference by: finding a violation of 18 VAC 135-20-260.5 of the Board's 2003 regulations (Count 1) and noting the conviction date in Count 1 as December 22, 2003, when Ms. Carter was convicted of "False Statement in HUD Transaction"; finding a violation of 18 VAC 135-20-260.6 of the 2003 regulations (Count 2); closing Count 3 with a finding of no violation and amending the regulation in Count 3 to read "18 VAC 135-20-240."; and finding a violation of 18 VAC 135-20-250 of the 2003 regulations (Count 4) and amending Count 4 to read "18 VAC 135-20-250." The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

**File Number 2004-02143, Tanisha Carter**

A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose revocation of Ms. Carter's real estate license for Count 1 and impose no sanction for Counts 2 and 4 in light of the sanction imposed in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby was not present during the discussion or votes.

In the matter of **File Number 2005-01566, Franco Schmatz**, the Board reviewed the record which consisted of the application file,

**File Number 2005-01566, Franco Schmatz**

transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Schmatz's application for a real estate broker's license by examination. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby was not present during the discussion or vote.

In the matter of **File Number 2005-01642, Angela Mairs**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Mairs' application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

**File Number 2005-01642, Angela Mairs**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby was not present during the discussion or vote.

Mr. Oglesby returned to the meeting and resumed as Chair.

**Transfer of Chair**

In the matter of **File Number 2004-04882, Joseph Coley**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Coley. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the Consent Order wherein Mr. Coley admits to a violation of 18 VAC 135-20-180.B.1.a of the Board's 2003 regulations (Count 1) and 18 VAC 135-20-180.B.1.a of the Board's 2003 regulations (Count 2), and agrees to a monetary penalty of \$500 for each of Counts 1 and 2, and agrees to reimburse the Board's investigative costs in the amount of \$250 for each of Counts 1 and 2, for total amount due of \$1,500. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor. As the reviewing Board member, Ms. Johnson was not present during the discussion or vote.

**File Number 2004-04882, Joseph Coley**

In the matter of **File Number 2005-01415, George Gnall**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Gnall's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-01415, George Gnall**

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels was not present during the discussion or vote.

In the matter of **File Number 2005-01565, Michael Murphy**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Murphy's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-01565, Michael Murphy**

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels was not present during the discussion or vote.

In the matter of **File Number 2003-00207, Linda Joy Wilson**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Ms. Wilson. A motion was made by Mr. Leon and seconded by Ms. Clark to accept the Consent Order wherein Ms. Wilson admits to a violation of 18 VAC 135-20-180.B.1.a of the Board's 2003 regulations (Count 1) and agrees to a monetary penalty of \$350 for the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2003-00207, Linda Joy Wilson**

In the matter of **File Number 2004-03862, Alan Thompson**, the Board reviewed the record, which consisted of the Consent Order as

**File Number 2004-03862, Alan Thompson**

seen and agreed to by Mr. Thompson. A motion was made by Mr. Leon and seconded by Ms. Clarke to accept the Consent Order wherein Mr. Thompson admits to a violation of 18 VAC 135-20-180.B.1.a of the Board's 2003 regulations (Count 1) and agrees to a monetary penalty of \$500 for the violation and reimbursement of investigative costs in the amount of \$250, for a total amount due of \$750. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

In the matter of **File Number 2004-03951, Morris Barco**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Barco. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the Consent Order wherein Mr. Barco admits to a violation of 18 VAC 135-20-180.B.1.a of the Board's 2003 regulations (Count 1) and agrees to a monetary penalty of \$200 for the violation and reimbursement of investigative costs in the amount of \$100, for a total amount due of \$300. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2004-03951, Morris Barco**

In the matter of **File Number 2004-04816, Frank Sopko**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Sopko. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the Consent Order wherein Mr. Sopko admits to a violation of 18 VAC 135-20-260.5 of the Board's 2003 regulations (Count 1); 18 VAC 135-20-260.6 of the Board's 2003 regulations (Count 2); and 18 VAC 135-20-260.5 of the Board's 2003 regulations (Count 3), and agrees to revocation of his real estate license for the violations of Counts 1, 2, and 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2004-04816, Frank Sopko**

In the matter of **File Number 2005-00859, William Patton**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Patton's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels,

**File Number 2005-00859, William Patton**

Johnson, Leon, Oglesby, and Taylor.

In the matter of **File Number 2005-00971, Hollis Brown**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Brown's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-00971, Hollis Brown**

In the matter of **File Number 2005-01657, Lacy Batton**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Batton's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-01657, Lacy Batton**

In the matter of **File Number 2005-01825, Joseph McCune**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Johnson and seconded by Ms. Daniels to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference by noting in Count 1 that Mr. McCune was convicted of **two felonies**, not one, in 2003 and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. McCune's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**File Number 2005-01825, Joseph McCune**

The Board members recessed for a break from 11:15 a.m. to 11:27 a.m.

**Break**

The Board members considered a request for extension to comply with the terms of the Consent Order previously entered regarding **File**

**Request for Extension  
Regarding File Number**



**Number 2003-02849, Dorry Kee.** The terms require Ms. Kee to complete four hours of continuing education in Real Estate Escrow Accounts. After discussion, a motion was made by Ms. Clark and seconded by Ms. Johnson to direct staff to write Ms. Kee to clarify the terms of the Consent Order and to grant an extension through February 28, 2005, for Ms. Kee to complete a course that includes the topic of escrow management.

**2003-02849, Dorry Kee**

Ms. Johnson read the **Education Committee Report**. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the **January 26, 2005, Education Committee Report**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**Education Committee Report**

Ms. Hall provided additional information pertaining to recommendation 3 in the October 27, 2004, Advisory Council Report. Action on this item was deferred at the November 18, 2004, Board meeting so that Ms. Hall could obtain additional information regarding the capabilities and limitations of the Department's computer database system. After discussion, Ms. Johnson moved to reject recommendation 3 of the October 27, 2004, Advisory Council Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

**Real Estate Advisory Council Report**

A motion was made by Ms. Clarke and seconded by Ms. Johnson to amend the Advisory Council Report to include the following statement as recommendation 3: "If a licensee chooses to change a mandatory track, the licensee must notify staff in writing that they are changing the mandatory track and all previously taken mandatory course hours will be credited as elective." The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

The Board members were provided with a memorandum from Sharon Sweet, Director of Education and Examinations, regarding the expiration of the contract for examination services with PSI on May 31, 2005. After discussion, a motion was made by Ms. Clarke and seconded by Ms. Daniels to extend the contract with PSI through May 31, 2007.

**PSI Contract Renewal**

The Board members discussed information provided by Mr. Oglesby regarding a suggestion he received that Virginia considering moving

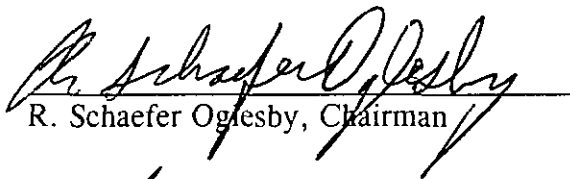
**New Business**

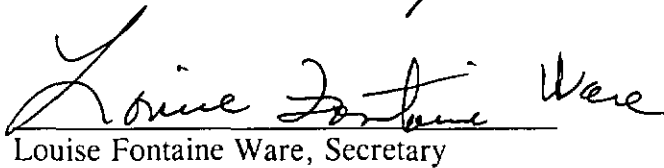
from District 2 to District 1 of ARELLO. After discussion, a motion was made by Ms. Clark and seconded by Ms. Childress to graciously decline the offer and remain with District 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

Mr. Oglesby provided information regarding House Bill 2843 that he put forward to address non-licensed individuals who attempt to practice in Virginia.

The meeting **adjourned** at 12:28 p.m.

**Adjourn**

  
R. Schaefer Oglesby, Chairman

  
Louise Fontaine Ware, Secretary

Copy Teste:

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Custodian of the Record

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

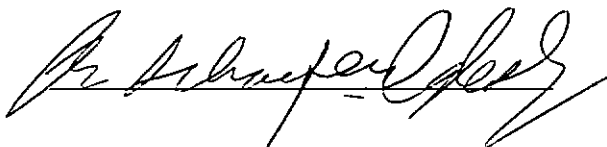
**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: R. Schaefer Oglesby
2. Title: Chairman - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_
6. I declare that:  
  
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: January 27, 2005

Signature: \_\_\_\_\_



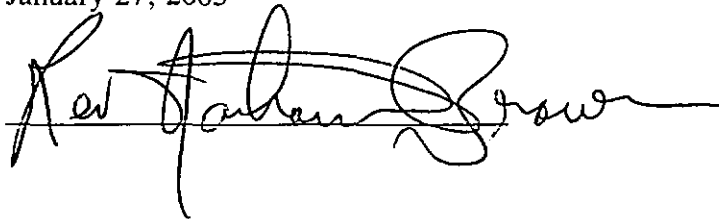
**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Nathaniel Brown
2. Title: Member – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_
6. I declare that:  
  
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_  
  
(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: January 27, 2005

Signature:

A handwritten signature in black ink, appearing to read "Nat Brown", written over a horizontal line.

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Judith L. Childress
2. Title: Member- Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_
6. I declare that:  
  
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_
- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: January 27, 2005

Signature: \_\_\_\_\_

*Judith L. Childress*

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Marjorie Clark
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None  
\_\_\_\_\_
6. I declare that:  
  
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: N/A  
\_\_\_\_\_  
  
(b) ☒ I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: January 27, 2005

Signature: Marjorie M. Clark

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**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Carol F. Clarke
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

REC-116  
FEB 03 2005

Dated: January 27, 2005

Signature:

Carol F. Clarke

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Florence Daniels
2. Title: Vice Chairman – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_
6. I declare that:  
  
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: January 27, 2005

Signature: Florence Daniels



**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Sharon Parker Johnson
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_
6. I declare that:  
  
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_
- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: January 27, 2005

Signature:

Sharon P. Johnson

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Miles B. Leon
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: Partner with firm  
named as respondent, S. L. Neubaum Realty Co.
6. I declare that:
  - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Fair housing #4  
I must recuse myself
  - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: January 27, 2005

Signature: \_\_\_\_\_



**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Byrl Phillips Taylor
2. Title: Member- Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: Diane Flourney

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Long & Justice

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: January 27, 2005

Signature: Byrl Phillips Taylor